

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

DOCKET: 1-19-cv-00200-JJM-PAS

RICHARD FERREIRA (Ferreira)  
Plaintiff, Pro se

v.

TOWN OF LINCOLN (TOL); LINCOLN POLICE  
DEPARTMENT (LPD); CHIEF OF POLICE (LPD);  
CAPTAIN PHILLIP GOULD (Gould); DETECTIVE  
SEAN GORMAN (Gorman); THE RHODE ISLAND  
STATE POLICE (RISP); JAMES MANNI (Manni);  
RHODE ISLAND STATE POLICE DETECTIVE  
LIEUTENANT GRASSEL (Grassel); RHODE  
ISLAND STATE POLICE DETECTIVE SERGEANT  
DEMARCO (Sgt. Demarco); RHODE ISLAND  
STATE POLICE CORPORAL SCOT BARUTI  
(Baruti); RHODE ISLAND STATE POLICE  
TROOPER HIRSCH (Hirsch); RHODE ISLAND  
STATE POLICE TROOPER GRASSO (Grasso)  
Defendants

Suit Brought Against All Defendants  
(Defts) In Their Individual Capacities  
As Rhode Island State Employees Acting  
Under Color Of State Law

- ) 1-Count Of Tort:  
Negligence Action:  
Failed/Refused To  
Comply With Rhode  
Island/U.S. Law Of  
Forfeiture Proceedings  
Breach Of Duty Owed  
By Failing To Return  
\$67,000.00 In Cash To  
The Plaintiff (Plt).
- ) 1-Count Of Tort:  
Negligence Action  
Claim Of Financial  
Interference As Defts  
Refuse To Return The  
\$67,000.00 So The Plt  
May Invest It.
- ) 1-Count Of Violating The  
Laws Of Rhode Island  
And The United States;  
And Constitution Of The  
United States.
- 2-Counts Of Tort:  
Conversion Of Property;  
Conversion Of \$67,000.00  
Taken By Defts From  
Inside Vehicle/SUV.

SECOND AMENDED COMPLAINT AUTHORIZED BY THE COURT

CIVIL ACTION IN THE NATURE OF A CIVIL RIGHTS ACTION,  
42 USCS, §1981-1988, SEEKING DECLARATORY JUDGMENT; MONETARY  
DAMAGES; RETURN OF PERSONAL PROPERTY, AND CASH IN THE AMOUNT  
OF \$67,000.00 TAKEN BY DEFT'S WITH INTEREST ON THE MONEY SINCE  
APRIL 29, 2016; DEMAND FOR JURY TRIAL ON ALL ISSUE'S

JURISDICTION

1. That, the jurisdiction of this United States District Court, (USDC), is invoked pursuant to the laws of Rhode Island, inclusive of Rhode Island General Law, (RIGL), §21-28-5.04.1 (2016), governing forfeiture of personal property used in criminal enterprise; the laws of the United States, inclusive of 28 USCS, §§1332(a)(1)(c)(1)(d)(3)(A); §§1367; §§1391; §§ 2201-2201; 42 USCS, §§1981-1988; The Constitution of the United States; The Policies, Rules, and Regulations of the LPD; The Policies, Rules and Regulations of the RISP; The Federal Rules of Civil procedure, (FRCP); All parties are citizens of the United States except for TOL, LPD, and RISP, which are either law enforcement, or municipal entities, which create Policy that all defts have violated; or profited from; disperse and or implement. All parties are citizens of the State of Rhode Island, (RI), except TOL, LPD and RISP, which are law enforcement, or municipal entities; and Ferreira, who is a citizen of Massachusetts leading to this suit in diversity. This suit is filed into the RI-USDC because the court ordered warranted - seizure of the Mercedes SUV belonging to Ferreira, along with personal effects, and cash in the amount of \$67,000.00, was taken by the named Defts on April 29, 2016.

THE PLAINTIFF SO ALLEGES THE FOLLOWING:

PRELIMINARY STATEMENT OF THE CASE

2. That, this is a five count action on behalf of the Plt, who while renting a room in a hotel in Lincoln, RI, answered his hotel room door, and was shot twice, by men claiming to be hotel employees. During the search of the hotel room, LPD/RISP, recovered a small recreational amount of Heroin, which they automatically attributed to the Plt, see attached EXHIBIT-A. Shortly thereafter, LPD/RISP seized the Mercedes SUV which was owned by the Plt, and parked in the hotel parking lot, with a warrant, which was never served on the Plt; and also seized all personal effects, and \$67,000.00, in cash. The Plt, had traveled with a female friend to Casino's in Connecticut, and RI, prior to staying at the hotel, and had legitimately earned the money in his SUV.
3. That, the Plt, was arrested for the Heroin, which was later dismissed, when it was discovered that the small recreational amount of Heroin, belonged to the female friend of the Plt.
4. That, after the charges were dismissed, the Plt retrieved his Mercedes SUV, from the LPD/RISP Vehicle Impound Lot, and discovered that the LPD/RISP, had taken all of his personal effects from the SUV, along with the \$67,000.00 in cash.
5. That, recently, since the SUV was seized on April 29, 2016, as of 2020:
  - (A). all LPD/RISP Report on these events, listed the SUV as being seized/taken/converted by the LPD/RISP, with the

personal effects, and \$25,996.00, in cash: a Report has cited the SUV; -- which entity took it, (i.e. the RISP);

(B). at no time since April 29, 2016, have the LPD, and/or RISP, given the Plt a receipt for the SUV, personal effects, or the \$25,996.00 in cash, that was recently recovered;

(C). at no time since April 29, 2016, have the LPD, and/or RISP, given the Plt any type of Inventory Slip for the contents of the SUV, when the LPD/RISP, seized/converted the SUV, into their unlawful possession;

(D). at no time since April 29, 2016, have the LPD, and/or RISP, any type of NOTICE, that the personal effects, and \$67,000.00, which was inside the SUV, when the LPD/RISP, seized/converted the SUV, were being forfeited under RIGL §21-28-5.04.1 (2016), or federal drug forfeiture laws at 21 USCS, §§853(a); 881(d), and/or, 19 USCS, §§1615;

(E). any possible criminal investigation concerning the personal effects, and \$67,000.00, in cash from the inside of the SUV, cannot continue indefinitely, and cannot continue without minimal due process being afforded the Plt;

(F). at no time since April 29, 2016, has the LPD, or the RISP, been forthcoming, and admitted, that they had seized/converted the SUV, personal effects and \$67,000.00, stored within the SUV, and have actually misled the Plt, in his attempts to recover his personal effects and \$67,000.00 in cash;

(G). at no time since April 29, 2016, have the LPD, or the RISP, admitted to the Plt, that they are in a conflict of interest in regards to the \$67,000.00, which could be seized

and forfeited as drug proceeds, if, the LPD/RISP, can prove the \$67,000.00, was illegal drug profits: why should the LPD/RISP, admit they illegally seized/converted/took the \$67,000.00, when the LPD/RISP, are trying to become the recipients of that money, or the \$25,996.00, the RISP claims was in the SUV;

(H). at no time since April 29, 2016, have the LPD, and/or the RISP, charged the Plt with any crimes that would justify the ongoing seizure/conversion/theft, of the \$67,000.00.

PARTIES

6. That, the Plt is and was at all times herein, the owner of the Mercedes SUV, which was returned to him, without personal effects, and the \$67,000.00 in cash, and was injured by the Defts as alleged. The current address for the Plt is P.O. Box 8000, Shirley, MA. 01464.
7. That, the Deft TOL, is and was at all times herein, the municipal entity which failed to train, supervise, fund, create policy, for all law enforcement officers/employees of the LPD, to the injury/detriment of the Plt, with a business office of TOL, 100 Old River Road, Lincoln, RI, 02865.
8. That, the Deft LPD, is and was at all times herein, the law enforcement entity for the TOL, which failed to train, supervise, fund/create policy for all law enforcement officers/employees of the LPD, to the injury/detriment of the Plt, with a business office of LPD, 100 Old River Road, Lincoln, RI, 02865.

9. That, the Deft LPD Chief of Police, (COP), is and was at all times herein, the senior supervisor for the LPD, who failed/refused to train, supervise, fund, create policy, or suggest policy changes, in relation to the seizure of vehicles by the LPD, that would include providing an inventory of the vehicle; receipt for any vehicle seized/taken by LPD; notice of any forfeiture hearing on the vehicle; a specified period of time the vehicle, and its contents, can be held, prior to a mandatory return to the owner; all of which have injured the Plt. The LPD-COP has a business office at LPD, 100 Old River Road, Lincoln, RI, 02865. COP is identified as Chief Sullivan.
10. That, the Deft's COP, Chief Sullivan; LPD Captain Phillip Gould; and LPD Detective Sean Gorman, were previously served SUMMONS, are, and or were, LPD Officers employed by the TOL/LPD, and listed as such in Exhibit-A, with direct ties to this case, on site the evening of April 29, 2016, when the SUV belonging to the Plt, was seized/converted/taken, with personnel effects and \$67,000.00, in cash, and are collectively known forthwith, as LPD Officers:
  - (A). who failed/refused to follow the LPD Policies, Rules and Regulations, to the injury/detriment of the Plt;
  - (B). who were improperly trained, funded, supervised in LPD Policies, Rules, and Regulations by the TOL, LPD-COP, to the injury/detriment of the Plt;
  - (C). who illegally seized/converted/stole outright, personnel effects, and \$67,000.00, from the SUV owned by the

Plt, to the injury/detriment of the Plt;

(D). the LPD Officers have a common business address of LPD, 100 Old River Road, Lincoln, RI, 02865.

11. That, the Deft RISP, is and was at all times herein, the law enforcement entity which failed to train, supervise, fund, create policy, for all RISP Officers, to the detriment/injury of Plt, which should have included at a bare minimum:

(A). notice to the vehicle owner, that their vehicle was seized, by RISP, and not stolen off the street;

(B). why the vehicle was seized, to the vehicle owner;

(C). when the vehicle was seized, to the vehicle owner;

(D). where the vehicle was seized from - what location, to the vehicle owner;

(E). inventory of the contents of the vehicle, to the vehicle owner;

(F). receipt to the owner of the vehicle, for the vehicle;

(G). expected period of time the vehicle will remain in the possession of the RISP; or if forfeiture will occur;

(H). Deft RISP has a business address of: Scituate Barracks, 311 Danielson Pike, North Scituate, R.I., 02857.

12. That, the Deft Manni, RISP Superintendent, is the RISP predecessor, herein, in charge of the RISP, at the time of this Civil Action, the senior supervisor for the RISP, who failed/refused to train, supervise, and/or create policy, or suggest policy changes in relation to the seizure of vehicles, which should have included at a bare minimum return of the \$67,000.00, and;

- (A). repeat allegation above at ¶¶11(A);
- (B). repeat allegation above at ¶¶11(B);
- (C). repeat allegation above at ¶¶11(C);
- (D). repeat allegation above at ¶¶11(D);
- (E). repeat allegation above at ¶¶11(E);
- (F). repeat allegation above at ¶¶11(F);
- (G). repeat allegation above at ¶¶11(G);
- (H). repeat allegation above at ¶¶11(H).

13. That, the Deft's Grassel, Sgt. Demarco, Baruti, Hirsch and Grasso, are, and were the RISP Officers employed and involved, on April 29, 2016, in the actual investigation, and seizure of the SUV, where the Plt, had \$67,000.oo stored within, which the Deft's seized/converted/stole, contrary to law, along with other personal effects of the Plt, and who are known forthwith as the RISP Officers, (cited with paperwork at Exhibit-A):

- (A). who failed/refused to follow RISP policies, rules and regulations, to the injury/detriment of the Plt;
- (B). who were so improperly trained, funded, supervised in RISP policy/rules/regulations, that these Defts, with Manni, did in 2019, notify Attorney John Cicilline, see attached EXHIBIT-B, thru the Rhode Island Attorney General, (RIAG), that no money was seized from the SUV or the Plt;
- (C). who were so poorly trained, funded, supervised in RISP policy/rules/regulations, that these Defts then located \$25,996.oo (from the \$67,000.oo), and refused to return it to the Plt, creating additional financial interference/Tort; who have a common business address cited above at ¶¶11(H).

14. That, any, and all combinations of the Deft's in any, and all forms/manners, did intentionally, conspire to seize/convert/

steal the personal effects, and \$67,000.00, in cash from the SUV belonging to the Plt, to the injury/detriment of the Plt.

15. That, all Defts knew, or should have known their conduct was criminal, or that it would violate the civil rights of the Plt, as they have access to TOL lawyers, and RSIP lawyers, and:

(A). they were law enforcement officers trained in the law, and charged with its enforcement;

(B). they are Policy Makers either as municipal or law enforcement entities; know the law; have been sued before;

(C). no criminal investigation should have taken the past 48 months to conduct, considering the comment in the news from Deft Captain Philip Gould, who is quoted at EXHIBIT-C, as stating:

"...This does not appear to be a random act, Capt. Philip Gould of the Lincoln Police Department said. The suspect and victim apparently did know each other. There is no reason to believe there is any danger here on the scene...";

(D). if the Plt and the men that shot him knew each other, then tracking down the shooters of the Plt, should have occurred immediately after the shooting, or within the first 12 months after the shooting: the failure to find the shooters is consistent with the Defts actual knowledge of the seizure/conversion/theft of the personal effects and \$67,000.00, taken from the SUV belonging to the Plt, and failing/refusing to find the shooters, for fear that the shooters may also have knowledge that the Plt had \$67,000.00 in his SUV.

FACTS

16. That, the Plt by reference herein incorporates the above ¶¶ 1-15, as facts in support of this Civil Action.
17. That, on April 29, 2016, the SUV belonging to the Plt was towed from the Hotel where he was shot by two hotel employees, see Exhibit-C:

"...A vehicle, with Massachusetts plates, was towed from the scene earlier in the day. Police have not yet said what, if anything, it may have to do with the investigation..."
18. That, since the SUV is/was listed in any LPD/RISP Report as being seized and towed away; and was taken and secured in a LPD/RISP Vehicle Impound Lot where the Plt retrieved it, an inference can be drawn, that the reason the SUV was reported by the LPD/RISP, as being seized/towed, was to reduce the witnesses that would connect it to the LPD/RISP, and make it easier for the LPD/RISP Defts to seize/convert/steal the personal effects, and the \$67,000.00, in cash, from inside the SUV, after it was seized/towed away.
19. That, on March 6, 2019, after being given the run-around about the return of the \$67,000.00, by the LPD, the Plt filed a Letter Of Intent, (LOI), to bring suit to recover the money, and served it on both the TOL, and LPD, see attached LOI, at EXHIBIT-D.
20. That, on April 3, 2019, the Plt received the attached letter at EXHIBIT-E, from Ms. Melinda Baldinelli, which stated at relevant parts:

"...Claim No. 111799-PP-01. Dated of loss: 4/29/16.  
Insured Member: Town of Lincoln. I also obtained  
and reviewed the police reports from the Lincoln  
Police Department regarding the incident...Based  
on my investigation, the involvement of the  
Lincoln Police Department was the initial arrival  
to the hotel for a shooting, to secure the scene,  
and interview witnesses. It appears that once the  
Rhode Island State Police arrived, they took over  
the investigation. The Lincoln Police Department  
never had possession of the Mercedes, therefore  
never in possession of the money in question. At  
this time, I have no alternative but to deny your  
claim for damages..."

21. That, since the LPD secured the crime scene, according to the LOI Response at Exhibit-D, the following facts can be inferred:

(A). the scene obviously involved the Mercedes SUV, as it was seized/towed away, which would involve the LPD Officers;

(B). if the scene did not include the SUV, then there should have been no reason to seize/tow it away, unless LPD/RISP Officers needed to remove the SUV from the witnesses that gathered after the shooting had occurred, in order to seize/convert/steal the \$67,000.00, in cash, from the SUV, without being seen;

(C). the LOI Response at Exhibit-D, is incomplete, or was arrived at without all the LPD Reports, as Exhibit-D, does not mention that an officer from the LPD was assigned to the hotel while the investigation continued as set out in Exhibit-C:

"...Lincoln police have an officer on detail inside the hotel as the investigation continues..."

22. That, an inference can also be drawn that the LPD/RISP seized/converted/stole the \$67,000.00, from the SUV belonging to the Plt, as they:

- (A). omitted the amount of \$67,000.00, from all their Reports;
- (B). failed/refused to tell the media why the vehicle was being seized and towed as set out above at ¶¶17;
- (C). the LPD/RISP were the last people seen with the SUV prior to the return of that vehicle to the plt, without the \$67,000.00;
- (D). the LPD/RISP impounded the SUV in the LPD/RISP impound lot without inventorying the vehicle;
- (E). returned the SUV to the Plt, indicating that it had nothing to do with the shooting, but failed/refused to return the personal effects and the \$67,000.00, in cash inside the SUV;
- (F). Deft Captain Gould was on the crime scene, as verified by Exhibit-C, see above at ¶¶15(C), with an LPD Captain on the scene, the only way the personal effects and \$67,000.00, in cash, stored in the SUV, could disappear, is with the knowledge of the LPD/RISP.

23. That, the Plt has read the legal standard for negligence in RI, and understands it to be:

"...Rhode Islands formulation of the negligence standard is familiar: a plaintiff must establish a legally cognizable duty owed by a defendant to a plaintiff, breach of duty, proximate causation between the conduct and the resulting injury, and the actual loss or damage..."  
Wiggins v. Rhode Island, 326 F.Supp.2d 297, 311 (2004).

24. That, the Plt alleges that the Dfts owed him the following legally cognizable duty, which the Dfts breached, resulting in the proximate causation of the injury to the Plt, and the

actual loss of personal effects, and \$67,000.00:

(A). 4th Amendment requires a warrant to search/seize, which Defts initially had, but retained property/money absent conviction;

(B). 14th Amendment due process requirements of a hearing of some description, prior to the loss of property, and money in this case, which the Defts failed/refused to provide; see above ¶¶11(A) to 11(G); cf below: ¶¶32(K)(L)(M);

(C). RIGL, §§21-28-5.04.1, and/or 21 USCS, §§853(a); 881(d), and/or 19 USCS, §§1615: forfeiture of the \$67,000.00, in cash cannot occur, without a hearing.

25. That, another inference which can be drawn in this case, is that the LPD/RISP, did seize/convert/steal, the \$67,000.00, and that can be seen by the failure/refusal of the LPD/RISP, to investigate the missing \$67,000.00, and who took it.
26. That, the LPD/RISP, never investigated the \$67,000.00, as being profits from gambling in Connecticut and Rhode Island, so the LPD/RISP, could treat the money as illegally obtained drug profits, and thereby seize it.
27. That, each Deft individually, or in conspiracy with another, or several others, seized/converted/stole the \$67,000.00.
28. That, all Defts had a duty to secure, inventory, provide a receipt to the Plt for the \$67,000.00, which the Defts failed/refused to do; and/or return the money when it was recovered/found.
29. That, Exhibit-E, in fact, found that the RISP had seized the \$67,000.00, from the SUV belonging to the Plt.

| 30. That, the author of the Exhibit-E document, would be in a good  
position to state whether or not the RISP did seize the SUV,  
and the \$67,000.00.

31. That, the fact that the SUV was returned to the Plt, would  
infer, that the Plt had done nothing wrong or illegal.

32. That, the seizure/conversion/theft of the \$67,000.00, did:

(A). interfere with the financial ability of the Plt to  
reinvest that money as he saw fit legally;

(B). reduce the standard of living that the Plt was  
forced to endure; making his life harder financially; creating  
financial problems for the Plt;

(C). require the Plt to come to court to get his money  
back, and forcing the Plt to spent additional money to bring,  
and litigate this action;

(D). interfere with the ability and right of the Plt,  
pursuant to Article 1, §§8 and 10, of the U.S. Constitution,  
to engage in commerce between the states of Massachusetts,  
Connecticut, and Rhode Island; Financial Interference TORT;

(E). deny the right of the Plt, pursuant to the Privileges  
and Immunities Clause, Article IV, §2, of the U.S. Constitution,  
when the Plt could not travel from Massachusetts, into  
Connecicut, and Rhode Island, without being shot, then having  
the Defts from Rhode Island, seize/convert/steal his \$67,000.  
00;

(F). violate the 1st Amendment right of expression, when  
the Plt lacked the financial ability to express himself thru

the purchase of items that reflected his political, religious, and sexual views, using the \$67,000.00, or \$25,996.00;

(G). violate the 1st Amendment right to association, when the Plt lacked the finanical ability to socialize with other people, and spend his money as he saw fit within the limits of the law; violation compounded by refusal to return \$25,996.00;

(H). violate the 4th Amendment right against unlawful search and seizure, when the Defts seized/converted/stole the \$67,000.00, and personal effects, (i.e., personal papers, clothing, etc), from the SUV; Refused to return-recovered \$25,996.00;

(I). violate the 5th Amendment right to due process, and right to be heard, prior to, the total forfeiture of life, liberty, or property, (i.e., personal effects, and \$67,000.00, stored inside the SUV); Current refusal to return \$25,996.00;

(J). violate the 8th Amendment right to be free from cruel and unusual punishment, when the Defts seized/converted/stole the personal effects and \$67,000.00, out of the SUV owned by the Plt, forcing the Plt into a mental anguish nightmare of litigation, just in order to have his personal effects, and \$67,000.00, returned to him; inclusive of \$25,996.00;

(K). violate the 14th Amendment procedural Due Process, see contents herein, inclusive of ¶¶1; 5(A)-5(H); 11(A)-11(G), prior to stripping the SUV, and contents of the SUV, (i.e., personal effects and \$67,000.00, in cash), from the Plt;

(L). violate the 14th Amendment Substantial Due Process,

to be free from arbitrary government action, even if it is a legal action, when the Defts engaged in the course of conduct alleged herein, cf above ¶¶11(A)-11(G);

(M). violate the 14th Amendment Equal Protection Clause, when the Defts repeatedly, freely, intentionally, and with knowing attitude, denied Plt the equal protection of the laws set out herein, inclusive of ¶¶1; 5(D); ¶¶22(A)(B)(C).

33. That, the acts and omissions of the Defts cited and alleged herein are the direct proximate cause of the injuries suffered by the Plt as set out; compounded by refusal to return \$25,996.oo.
34. That, the only people involved in this case, at this time, based on the Reports at Exhibit-A, are the Defts.
35. That, only the Defts are in the position to have engaged in the alleged acts and omissions set out herein.
36. That, the named Defts did physically, and financially cause the injuries to the Plt: compounded by refusal to return \$25,996.oo.
37. That, the Defts TOL, and RISP, created a Policy in writing, or by custom, and/or practice that:
  - (A). failed to train/supervise/fund all subordinate LPD-RISP Officers-Defts, in seizure/asset forfeiture;
  - (B). failed to train/supervise all LPD and RISP Officers-Defts, in the proper course of action, in this case;
  - (C). failed to adhere/dispense the legal authorities cited herein inclusive of those at ¶¶1; 5(D); 32(D)-32(M)

repeatedly, to the injury/detriment of the Plt;

(D). misled the Plt when the Plt attempted to learn the status of the missing personal effects and \$67,000.00, seized/converted/stolen from inside the SUV, after, the Defts took the SUV; failed to fire unfit/incompetent LPD/RISP Officers.

38. That, the named Defendants cited herein above, within this Second Amended Complaint, are genuine RISP employees/officers, who are necessary for the proper and just adjudication of this action against all of the other named Defts, who may be innocent of the claims against them in this case.
39. That, the Plt was owed a duty to discharge/fire unfit and incompetent employees, which the Defts failed to do leading to the seizure/conversion/theft of personal effects, and \$67,000.00, stored inside the SUV; and return-recovered \$25,996.00.
40. That, the law was established by 1994, that mandated a duty to discharge/fire unfit and incompetent employees, which the Plt read in:

"...an employer has a continuing duty to retain in its service only those employees who are fit and competent..." (At relevant parts):  
Favorito v. Pannell, 27 F3d 716, 719 (USDC Rhode Island, 1st Cir. 1994).

41. That, the employers in this case are Defts TOL, LPD-COP, and RISP, RISP Commanding Officer.
42. That, the LPD and RISP Officers named as Defts cannot be fit, nor competent, since they:
  - (A). excluded all mention of the \$67,000.00, in the SUV,

the true motive which has helped to conceal, the purpose of the seizure/towing of the SUV away from any non-law enforcement witnesses: SUV could only be towed away by permission of LPD-RISP;

(B). seized the SUV, with, or without a warrant, and failed to secure the contents of the SUV (i.e., personal effects and \$67,000.00);

(C). failed/refused to seize the SUV in accordance with minimal due process set out above at ¶¶11(A)-11(H); or pursuant to the legal authorities set out above at ¶¶1;

(D). illegally seized/converted/stole \$67,000.00;

(E). have engaged in a conspiracy among themselves, or two, or more Defts have conspired to steal the personal effects, \$67,000.oo initially, and \$25,996.oo, recently from the Plt.

43. That, the failure/refusal of the employers listed above at ¶¶41, to fire the unfit/incompetent Defts above at ¶¶42, may be inferred and mean that the employers are involved in the conspiracy themselves in some way, shape, or form, and firing subordinate Defts, could result in the subordinate Defts, naming the employers, as being part of the larger, overall conspiracy.

44. That, the employers/municipalities of the TOL and RISP, did:

(A). create the Policy above at ¶¶8; 9; 11(A)-11(G); 24(A)-24(C); 32(A)-32(M); 37; which is contrary, and in violation of the U.S. Constitution;

(B). create a policy that led to the specific conspiracy of seizing/converting/stealing the personal effects, and the \$67,000.00 from the SUV, after the LPD-RISP, had the SUV towed

away from the sight of any witnesses, in the hotel parking lot;

(C). suppress, deny, and interfere with any information about whether LPD/RISP Officer Defts had been trained to return the SUV; cash money; seized with or without a warrant;

(D). suppress, deny, and interfere with any information about whether LPD, or RISP, or Officers-Defts from both LPD and RISP, searched the SUV before, or after, it was towed;

(E). suppress, deny, and interfere with any information about the name of the Towing Service, used to tow the SUV from the hotel parking lot, to the police impound lot;

(F). suppress, deny, and interfere with any information about who seized the personal effects, and \$67,000.00, out of the SUV, was it the LPD, the RISP, or both.

45. That, the Plt has read:

"...Liability will only attach for a municipality when its failure to train amounts to deliberate indifference to the rights of the persons to whom the police come into contact...a municipality's failure to train must reflect a deliberate or conscious choice by the municipality -- a policy defined by our prior cases -- to be liable for such failure under §1983...moreover, there must be a causal link between the municipality's action (or inaction) and the alleged constitutional deprivation..." Ousley v. Town Of Lincoln, 313 F.Supp.2d 78, 84 (USDC, RI 2004).

46. That, a municipal Policy of failing/refusing to adequately fund the training, and/or operations of the police is actionable, more so now, than when the First Amended Complaint was served on all Defendants, because Deft Gorman told the Plt the RISP got the money, leading to the recovery of \$25,996.00, of the \$67,000.00, which the Deft's refuse to return to the Plt, currently.

47. That, the TOL, failed/refused pursuant to TOL Policy, to adequately fund the LPD, which:

(A). reduced the professional level of training and supervision of the LPD Officers-Defts, leading to the situation alleged above at ¶¶14-15(A)(B)(C)(D);

(B). leading to LPD Officers-Defts not being trained to understand what should be seized, and what should be secured;

(C). did lead to the basic fundamentals of police work not being trained into the LPD Officers-Defts, and then to ensure that training was followed thru proper supervision.

48. That, the RISP, failed/refused pursuant to RISP Policy, to adequately fund the RISP, which:

(A). reduced the professional level of training and supervision of the RISP Officers-Defts, leading to the situation alleged above at ¶¶14-15(A)(B)(C)(D);

(B). leading to LPD Officers-Defts not being trained to understand what should be seized, and what should be secured;

(C). did lead to the basic fundamentals of police work not being trained into the RISP Officers-Defts, and then to ensure that training was followed thru proper supervision.

49. That, the Plt read, and understands that as of 2017, the law in Rhode Island allowed for two different types of conversion of property, pursuant to Reed v. Zak, 573 BR 13, 42 (USDC RI 2017), which stated at relevant parts:

"...Conversion does not require an intent to deprive the owner permanently of the property,

...rather, one need intend to exercise dominion or control over the property of another and can be held liable for conversion even if the property over which he exercised control was believed to be his own...There may be a conversion which is innocent or technical, an unauthorized assumption of dominion without willfulness or malice. There may be an honest but mistaken belief, engendered in the course of dealing, that powers have been enlarged or capacities removed. In these and like cases, what is done is a tort, but not a willful and malicious one..." Reed v. Zak, page 42.

50. That, the Plt alleges two different types of Tort Conversion of his property occurred by the named Defts.

51. That, the Plt alleges:

(A). first, Tort Conversion of Property, (i.e., personal effects, and \$67,000.00), stored in the SUV, was seized, converted/stolen, with willful and malicious intent that is demonstrated herein, inclusive of engaging in the conduct described at ¶¶2-5; 7(failed to fund/train/supervise subordinate LPD-RISP Off-Defts), 10(A)(B)(C); 11-20; 24(A)(B)(C)-25; 27 to 37(A)-37(D); 40-48; and/or; refused to return-recovered \$25,996.00;

(B). second, Tort Conversion of Prperty, (i.e., personal effects, and \$67,000.00), stored in the SUV, was seized/converted, thru an innocent act that involved technical procedure of moving under the belief that the money was the result of illegal drug sales, and Defts seized the money as demonstrated herein, inclusive of engaging in the conduct described at ¶¶2-5; 7(failed to fund/train/supervise subordinate RISP-LPD Officers-Defts), 10(A)(B)(C); 11-20; 10(A)(B)(C)-20; 27 to 37(A)-37(D); 40-48.

52. That, the willful and malicious Tort of Conversion of property, (i.e., personal effects, and \$67,000.00), stolen from the SUV, inclusive of recent recovery-refusal to return \$25,996.00, include:

- (A). seized/stole SUV owned by Plt from hotel parking lot;
- (B). seizure of SUV was without receipt for SUV;
- (C). seizure of SUV was without notice, or hearing;
- (D). seizure resulted in theft of personal effects, and \$67,000.00; and current refusal to return recovered \$25,996.00;
- (E). seizure was covered-up, concealed, by suppressing, denying, interfering with information needed to recover the property in the SUV that was converted; Cf: above ¶¶13(B)(C);
- (F). conversion was contrary to the law set out herein, inclusive of that above at ¶¶5(E);
- (G). conversion was implemented, or effected by false representation that included no criminal conviction, and:
  - (1). conversion of property was undertaken for the purpose of law enforcement investigation;
  - (2). a law enforcement investigation that failed/refused to provide a receipt, notice or hearing; Cf: above at ¶¶13(B)(C);
  - (3). a law enforcement investigation that is still ongoing after 48 months, cf: above at ¶¶15(C)(D);
  - (4). a law enforcement investigation that LPD and RISP Dfts, have been silent on; offering no serious information, or return of the property.

53. That, the innocent, technical, reckless and negligent Tort of Conversion of property, (i.e., personal effects, and \$67,000.00), seized and converted from inside the SUV, included:

- (A). reallege ¶¶52(G)(1)(2)(3)(4);
- (B). reallege ¶¶51(B).

54. That, the Tort of Negligence included:

- (A). reallege ¶¶23-26; ¶¶51(A);
- (B). LPD and RISP Dfts are negligent due to lack of training, supervision, and funding, see herein, ¶¶7-8; 10(B); 11-12; 13(B); 37(A); 44(A) to 44(F);
- (C). LPD and RISP Dfts are negligent, and performing sub-standard police work to the detriment and injury of the Plt, see herein ¶¶2 to 5(A)-5(H); 11(A)-11(G); 15(C)(D); 18-19 (A)(B)(C); 22(A)-22(F); 23 to 24(A)(B)(C); 32(A)-32(M); 40-48; 50-71.
- (D). the duty owed the Plt was violated in these paragraphs cited within this ¶¶24(A)(B)(C).

55. That, cited undeniable genuine material facts in this case that are in controversy, include at a bare minimum:

- (A). who secured the SUV, the LPD Dfts, or the RISP Dfts;
- (B). who found and seized the personal effects, and \$67,000.00, that were inside the SUV;
- (C). where are the personal effects and \$67,000.00, as of the date of this action; RISP found \$25,996.00: refuse to return;
- (D). is the funding of the LPD and RISP, reduced, and lower

on April 29, 2016, than it was previous to that date;

(E). is there an ongoing law enforcement investigation that would involve seizing the \$67,000.00;

(F). Exhibit-E, above at ¶¶20, placed the blame for the seizure of the \$67,000.00, on the RISP

(G). is there a conflict of interest in this case, see above ¶¶5(G);

(H). all Defts are operating under a conflict of interest, alleged above at ¶¶5(G);

(I). a conflict of interest would impair, compromise, or stop a valid, viable, and complete law enforcement investigation, see above ¶¶52(G)(1)(2)(3)(4), and delay any completion of outcome, see above ¶¶15(C)(D).

56. That, theft and conversion of property is not a discretionary act, or function, which the Defts, are authorized to do.

57. That, all named Defts have a vested, and conflicted interest in seizing/converting/stealing the \$67,000.00, cf: above at ¶¶5(G); ¶¶13(B)(C);

58. That, Defts are not entitled to immunity in this case, based on the contents of this Civil Action, inclusive of the ongoing conflict of interest described above at ¶¶5(G), which is negating any valid, viable, or complete law enforcement investigation.

59. That, the ongoing conflict of interest, is evidence of a conspiracy to deny, steal, and defraud the Plt out of his \$67,000.00, and personal effect seized inside the SUV.

60. That, it was foreseeable to the named Defts, that at a bare minimum, they would need to do the following, which they failed/refused to do:

- (A). get a warrant for the SUV;
- (B). provide an inventory of the property seized from the SUV;
- (C). provide a receipt to the Plt for the property seized from the SUV;
- (D). provide a hearing prior to the forfeiture of the property seized from inside the SUV;
- (E). no criminal investigation is indefinite, and at some point in time, criminal charges/forfeiture proceedings must occur or the property seized from inside the SUV, must be returned to the Plt;
- (F). return the property seized from inside the SUV, to the Plt, or a violation of the law, and civil rights of the Plt, would, and did occur; return the recovered \$25,996.00.

61. That, LPD/RISP procedures in this case were inadequate, and deliberately indifferent to the Plt, due in part, or in full, to a lack of funding, or underfunding of available monies to this case: consider that this case has been ongoing for 48 months.
62. That, an LPD Officer was detailed to be on site at the hotel after the Plt was shot, cf: above ¶¶21(C).
63. That, no LPD Officer was at the hotel prior to the Plt being shot, to keep the Plt from being shot.

64. That, the LPD underfunded the security of the hotel where the Plt was shot, and 48 months later, there have been no arrests.
65. That, the underfunding of the hotel security where the Plt was shot, led to the Plt being shot: TOL/LPD Negligence.
66. That, if the LPD could afford to detail an officer to the hotel after the Plt was shot there, it could have detailed an LPD Officer to the hotel prior to the shooting, and prevented the shooting, unless TOL/LPD were negligent.
67. That, the LPD knew, or should have known that the close proximity of the Twin River Casino, (TRC), to the hotel where the Plt was shot, made it necessary to detail an LPD Officer at the hotel around the clock to protect the customers in the hotel.
68. That, the Policy of failing to fund/underfunding the LPD, by the TOL, is deliberate indifference to the civil rights of the Plt, leading to the Plt being shot, and then having his property inside the SUV seized/converted/stolen, resulting in the LPD and TOL believing they could act with impunity.
69. That, injuries suffered by Plt inclusive of having his personal effects, and \$67,000.00, seized/converted/stolen from his SUV, is a consequence of TOL failing/refusing to fund/underfunding, the LPD; which have failed for 48 months to solve his shooting.
70. That, the facts alleged herein, create a controversy between the parties, from which there is no legal remedy, requiring this USDC to intervene, declare the rights of all parties

named, and grant in full, or in part, the requested relief cited herein below.

71. That, the theories of causation of the Plts injuries of being shot, (above at ¶¶61-69), of having his personal effects, and \$67,000.00, being seized/converted/stolen from within the SUV by the Defts, raise questions of fact to be decided by a trial jury.

LEGAL CLAIMS

LEGAL CLAIM #1:

72. That, the acts and omissions of the Defts cited herein above at ¶¶1-71, created a Tort Of Negligence Action resulting in the cited injuries to the Plt.
73. That, the Plt, by reference, incorporates ¶¶1-71, as part of this Legal Claim #1, and states, the Defts:

- (A). refused/violated the RIGL §21-28-5.04.1, of the RI Forfeiture law; No probable cause exists now, to retain money;
- (B). refused/violated the Federal Forfeiture Laws at 21 USCS, §§853(a), and 881(d); and/or 19 USCS, §§1615.

LEGAL CLAIM #2:

74. That, the acts and omissions of the Defts cited herein above at §§1-71, created a Tort Of Negligence Action-Claim Of Financial Interference, resulting in the cited injuries to the Plt.
75. That, the Plt, by reference, incorporates ¶¶1-71, as part of this Legal Claim #2, and states that the Defts interfered with the Plts right to gamble, and/or have money, and/or spend his money

as he saw fit, inclusive of ¶¶32(A)-32(M).

LEGAL CLAIM #3:

76. That, the acts and omissions of the Defts cited herein above at §§1-71, violated the laws of Rhode Island, and the United States; and the Constitution of the United States, resulting in the cited injuries to the Plt.
77. That, the Plt, by reference, incorporates ¶¶1-71, as part of this Legal Claim #3, and states, the Defts:
- (A). at a bare minimum, violated RIGI §§21-28.5-04.1, above at ¶¶5(D);
  - (B). at a bare minimum, violated federal law, 21 USCS, §§853(a) and 881(d); and 19 USCS, §§1615, see above at ¶¶5(D);
  - (C). 42 USCS, §§1981-1988, see above ¶¶1;
  - (D). U.S. Constitution above at ¶¶32(A)-32(M).

LEGAL CLAIM #4:

78. That, the acts and omission of the Defts cited herein above at ¶¶1-71, created a Willful and Malicious Tort Of Conversion Of Personal Effects and \$67,000.00 seized/converted/stolen from inside the SUV, and retention of recently recovered \$25,996.00;
79. That, the Plt, by reference, incorporates ¶¶1-71, as part of this Legal Claim #4, and states, the Defts:
- (A). engaged in willful and malicious tort of conversion of the Plts property;
  - (B). see above at ¶¶49-51(A); 52(A)-52(G)(1)(2)(3)(4).

LEGAL CLAIM #5:

80. That, the acts and omissions of the Defts cited herein above at ¶¶1-71, created a Innocent, Technical, Reckless Tort Of Conversion Of Personal Effects and \$67,000.00, seized/converted from inside the SUV; Defts have admitted they have \$25,996.00.

81. That, the Plt, by reference, incorporates ¶¶1-71, as part of this Legal Claim #5, and states, the Defts:

(A). engaged in an innocent, technical and reckless tort of conversion of the Plts property;

(B). see above at ¶¶49-50; 51(B); 53-54

RELIEF REQUESTED

82. Order, a jury trial on all issues.

83. Order, the immediate return of the personal effects of the Plt.

84. Order, that the \$67,000.00, will be returned to the Plt, with interest since April 29, 2016; return \$25,996.00, immediately.

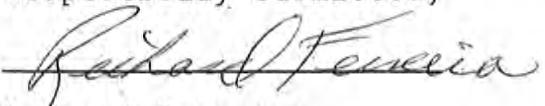
85. Order, that the Defts will pay damages in the amount of not less than \$10,000.00, nor more than \$5 Million Dollars total.

86. Order, what other further, or greater relief the USDC deems is in the interest of justice.

87. Order, that DISCOVERY will be allowed on all issues.

Respectfully submitted,

Dated: May 15, 2020

  
Richard Ferreira  
Pro se.  
P.O. Box-8000  
Shirley, MA. 01464

E X H I B I T - A

DISTRICT COURT NO.	COURT DIVISION	POLICE NO.			
	3rd	16-70-WA			
STATE EX REL	VS. DEFENDANT (NAME and ALIAS)				
	RICHARD FERREIRA Alias- J. Doe				
DEFENDANT ADDRESS AND PHONE					
45 DOVER ST STREET		FALL RIVER CITY	MA STATE	PHONE	
DEF. D.O.B. 07/11/1978	DEF. BCI NO.	DEF. SOC. SEC. NO.	DEF. M.V. LIC. NO.	DETERMINE ATTY DATE	PRE TRIAL DATE
OFFENSE DATE 04/29/2016	<input type="checkbox"/> DIVERS DATE	OFFICER/COMPLAINANT Detective Lieutenant Dennis Packer	Chris Nightingale	PRE-ARRAIGN CONF DATE 7-12-2016	TRIAL DATE
POLICE DEPT./COMPLAINANT ADDRESS Lincoln Police Department, 100 Old River Road		Sgt. Walter M. Thresher		SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL



STATE OF RHODE ISLAND  
DISTRICT COURT  
CRIMINAL COMPLAINT

TO ANY JUDGE OR JUSTICE OF THE PEACE:

ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID  
COMMIT THE FOLLOWING OFFENSES:

OFFICER/COMPLAINANT <i>Chris Nightingale</i>	DATE 5/5/16	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE <i>Judge in reccomend</i>	DATE 5-5-16
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INITIAL APPEARANCE

APPEARANCE DATE 5-7-2016	BAIL FOR ALL ACCOUNTS \$ 1,000 (PA)	ARRAIGNMENT DATE 5-7-2016	JUSTICE OF THE PEACE <i>Judge</i>
-----------------------------	--	------------------------------	--------------------------------------

ARRAIGNMENT

ARRAIGNMENT DATE	ADVISED OF RIGHTS <input type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input type="checkbox"/> YES <input type="checkbox"/> NO	PLEA COUNT 1 <i>No Plea</i>	PLEA COUNT 2	PLEA COUNT 3
BAIL FOR ALL COUNTS \$	ATTORNEY NAME	<input type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE <i>X</i>		

COUNT 1	STATUTE(S) VIOLATED 21-28-4.01(C) (1) (a)	<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> MISDEMEANOR	<input type="checkbox"/> VIOLATION	<input type="checkbox"/> ORDINANCE
---------	--	--	--------------------------------------	------------------------------------	------------------------------------

"On 04/29/2016 0515, FERREIRA, RICHARD, Did unlawfully possess a controlled substance classified as HEROIN as set fourth in Schedule (I II ETC) of '21-28-2.08 of the General Laws as amended, in violation of 21-28-4.01(C) (1)A of the General Laws as amended."

DISPOSITION	<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	SENTENCE IMPOSED
PROCEEDING	<input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/> JUDGE X
COUNT 2	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE

DISPOSITION	<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	SENTENCE IMPOSED
PROCEEDING	<input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/> JUDGE X
COUNT 3	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE

## Lincoln Police Department

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## NARRATIVE FOR DETECTIVE SEAN E GORMAN

Ref: 16-858-OF

Entered: 05/03/2016 @ 1522 Entry ID: SGOR  
Modified: 12/19/2018 @ 0844 Modified ID: KWIN

On 04/29/16 at approximately 0540hrs, I responded to the Courtyard Marriott at 636 Washington Highway for a report of a shooting that occurred an hour earlier.

Upon arrival to the Courtyard Marriott I entered the elevator to the 3rd floor and observed Gerron Harper [REDACTED] and Isabela Silva (a.k.a. "Bella" [REDACTED]) speaking with officers (O/Kinniburgh, O/Sexton, O/Rodriguez). All of the aforementioned parties were staged near the soda machine area of the 3rd floor. O/Kinniburgh explained that an incident occurred in Room 318 of the Courtyard Marriott where an altercation took place and a victim, Richard Ferreira (a.k.a. "Richie" [REDACTED]), was possibly shot in the stomach and face. At this time, I immediately set up a perimeter and confirmed that only one room (320) was occupied at the time. The occupant of 320 was notified to stay in their room until they could safely be moved by the hotel. At this time I requested that O/Anterni start a log of all people that were in the room prior to my arrival, entered the crime scene during processing and even exited the elevator and inquired about the incident. As I began to process the scene, I observed a large amount of blood on the carpet in front of the room and two shell casings from a firearm clearly visible on the rug directly in front of Rm.318.

At this time I spoke with Silva and Harper who stated that they were in the room sleeping after checking in around 3:00am. Silva stated she was sleeping on the chair in the room and Harper stated he was on the bed when they heard Ferreira (Richie) yell and then heard two gun shots. Both stated that they jumped up to see two "figures" running out of the room and Ferreira stumbling backwards into the room. Harper stated that he grabbed Ferreira and asked him what happened to which Ferreira stated "I'm dying man!" Harper stated that there was a large amount of blood around Ferreira's head, face and stomach so he believed that Ferreira got shot in the face and stomach. Harper stated that Silva (Bella) yelled at him to "Run!" in fear that the shooters would come back so he took the elevator downstairs and walked out of the front door. Silva stated she remained in the room and covered Ferreira with a comforter from the bed until she also ran downstairs in order to look for help. Silva stated that she then observed Officers with their guns drawn on Harper and yelled that he was no the suspect and that they may still be in the hotel. Stories then began to vary as to where Harper and Silva went after police began searching for suspects, however a short time later both arrived back upstairs on the 3rd floor to check on Ferreira.

After briefly speaking with the witnesses, I began to photograph the scene starting with view from the elevator. I then moved into the room where I observed more blood on the carpet and walls. I also began observing teeth located on the carpet outside and inside the entrance way into the room. As I proceeded into the room, I observed a pile of items (including two cellular phone) in the middle of the room on the rug. I also observed a baggie of white powdery substance and an similar empty baggy, located on the desk in the front of the room near the TV cabinet. At this time, Chief Sullivan arrived on scene and informed me that the RI State Police were en route and would then be in charge of the scene. I then exited the room and awaited their arrival. A short time later, the scene was turned over to Det. Lt. Grassel and Det. Sgt. DeMarco from the RI State Police.

Later in the day, Det Tilson and I responded back to the Courtyard Marriott and field tested the aforementioned white substance which had been seized by the RI State Police. The substance tested positive for heroin. At this time, it was determined that all three occupants of the room would be charged with Possession of a Controlled Substance classified as Heroin.

Lincoln Police Department

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NARRATIVE FOR DETECTIVE SEAN E GORMAN

Ref: 16-858-OF

Entered: 05/03/2016 @ 1522 Entry ID: SGOR  
Modified: 12/19/2018 @ 0844 Modified ID: KWIN

The incident is still under investigation at the time of this report.

Lincoln Police Department  
GORMAN WITNESS STATEMENT

Page: 1

Ref: 16-254-AR

Entered: 07/06/2016 @ 0952 Entry ID: SGOR  
Modified: 07/06/2016 @ 0954 Modified ID: SGOR

TIME: 0953  
DATE: 07/06/2016  
PLACE: LPD HQ

I, DETECTIVE SEAN GORMAN voluntarily without threats or promises make the following statements:

Q. What is your name?  
A. Sean Gorman

Q. What is your date of birth?  
A. N/A

Q. What is your present address?  
A. 100 Old River Rd. Lincoln RI 02865

Q. What is your occupation?  
A. Detective

On 04/29/16 at approximately 0540hrs, I responded to the Courtyard Marriott at 636 Washington Highway for a report of a shooting that occurred an hour earlier.

Upon arrival to the Courtyard Marriott I entered the elevator to the 3rd floor and observed Gerron Harper [REDACTED] and Isabela Silva (a.k.a. "Bella" [REDACTED] speaking with officers (O/Kinniburgh, O/Sexton, O/Rodriguez). All of the aforementioned parties were staged near the soda machine area of the 3rd floor. O/Kinniburgh explained that an incident occurred in Room 318 of the Courtyard Marriott where an altercation took place and a victim, Richard Ferreira (a.k.a. "Richie" [REDACTED] was possibly shot in the stomach and face. At this time, I immediately set up a perimeter and confirmed that only one room (320) was occupied at the time. The occupant of 320 was notified to stay in their room until they could safely be moved by the hotel. At this time I requested that O/Anterni start a log of all people that were in the room prior to my arrival, entered the crime scene during processing and even exited the elevator and inquired about the incident. As I began to process the scene, I observed a large amount of blood on the carpet in front of the room and two shell casings from a firearm clearly visible on the rug directly in front of Rm.318.

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Lincoln Police Department  
GORMAN WITNESS STATEMENT

Page: 2

Ref: 16-254-AR

Entered: 07/06/2016 @ 0952 Entry ID: SGOR  
Modified: 07/06/2016 @ 0954 Modified ID: SGOR

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Later in the day, Det Tilson and I responded back to the Courtyard Marriott and field tested the aforementioned white substance which had been seized by the RI State Police. The substance tested positive for heroin. At this time, it was determined that all three occupants of the room would be charged with Possession of a Controlled Substance classified as Heroin.

SIGNATURE

Statement taken by:

\_\_\_\_\_  
SIGNATUREWitness: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Lincoln Police Department

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## NARRATIVE FOR PATROL OFFICER STEPHEN A RODRIGUES

Ref: 16-835-OF

Entered: 04/29/2016 @ 0906 Entry ID: SROD  
 Modified: 05/19/2016 @ 2354 Modified ID: SROD  
 Approved: 05/22/2016 @ 0709 Approval ID: JBOL

On 04/29/16 at approximately 0520hrs., while at Twin River Casino with O/Legare handling a trespassing call, I was dispatched to the Courtyard Marriott at 636 Washington Highway for a report of an injured male with possible shots fired. While enroute dispatch informed us that one male had been shot and possible suspects had fled the scene.

Upon arrival to the Courtyard Marriott I entered the elevator to the 3rd floor when a black male wearing a blue t-shirt and dark colored jeans entered the elevator with me. The male subject later identified as [REDACTED] [REDACTED] identified himself as a friend of the victim and did state he was present in the hotel room during the shooting. [REDACTED] could not articulate to me why he had left the scene and was now returning the hotel room. [REDACTED] was in a agitated-and nervous-state-and could not give me complete answers to what had transpired in the hotel room. As I exited the elevator [REDACTED] became extremely upset and agitated toward the police when he observed his friend laying on the floor. O/Kinniburg, O/Sexton and O/Anterni had already been on scene placed [REDACTED] back on the elevator and O/Sexton escorted [REDACTED] to the hotel lobby.

I exited the elevator to the right, and observed a middle aged white male, later identified as Richard Ferreira ([REDACTED]-78), dressed only in his underwear laying face down in the hallway in front of Rm. 318. Ferreira was talking hysterically to his girlfriend [REDACTED]. I observed blood on the top of Ferreira's head and an apparent wound on the left side of his torso. Two shell casing from a firearm were clearly visable on the rug next to the victim outside Rm.318.

Once the scene was cleared by the officers, I spoke to three witnesses in the adjacent hotel Rm. 316. The witnesses from Rm. 316, [REDACTED], [REDACTED] all completed witness statement forms on scene. [REDACTED] stated she woke up from hearing two gun shots from the room to the left of them. Anna said she observed two darker skinned individuals walk by their room to the right after the incident. [REDACTED] explained that she could hear a female screaming "Why Richie Why!", " Why would you open the door?" [REDACTED] stated that after a couple minutes she looked outside her hotel room and walked down to Rm. 318 to see what happened when the door to Rm. 318 started to open. At that point she went back to her room and could hear someone yelling for help. [REDACTED] said she went back outside to the Rm. 318 where she observed a caucasian male laying supine on the ground screaming for help. [REDACTED] said she threw him a towel and that's when the police arrived.

[REDACTED] stated she woke up to people screaming and yelling in the hallway, then heard a banging noise. [REDACTED] said she could hear a hysterical female screaming "Why Richie why!". [REDACTED] explained that after the incident she could hear people running up and down the hallway for what seemed like minutes. Parker stated that he heard two gun shots and people screaming and yelling "Why, why, why!".

While interviewing the witnesses, Rescue 2 arrived on scene and transported Ferreira to RI Hospital for further medical evaluation. I did a perimeter search of the immediate area for any additional evidence with negative results. The front desk clerk identified as [REDACTED] (DOB unknown) stated that he did not observe the suspects enter the hotel at approximately 0500hrs. The GM of the Courtyard Marriott arrived on scene a short time later and was able to use the surveillance cameras to identified two black males entering the lobby of the hotel at approximately 0505hrs.

O/Kinneberg secured the scene and had dispatch contact Detective Gorman to respond for processing.



Lincoln Police Department  
Incident Report

Page: 1  
06/15/2018

Incident #: 16-835-OF  
Call #: 16-10745

Date/Time Reported: 04/29/2016 0515  
 Report Date/Time: 04/29/2016 0801  
 Occurred Between: 04/29/2016 0500-04/29/2016 0540  
 Status: Incident Closed By Arrest

Reporting Officer: Patrol Officer STEPHEN RODRIGUES  
 Assisting Officer: Patrol Officer JOSEPH ANTERNI  
 Approving Officer: Sergeant JASON BOLDUC

Signature:  
 Additional Cases: 16-254-AR  
 16-253-AR

Signature: \_\_\_\_\_

OFFENSE(S)		ATTEMPTED	TYPE
LOCATION TYPE:	Hotel/Motel/Temp. Lodgings	Zone: Middle North	
COURTYARD MARRIOTT			
636 WASHINGTON HWY			
LINCOLN RI 02865			
1 ASSAULT W/ INTENT TO COMMIT A FELONY		N	Felony
11-5-1	11-5 1 - SERIOUS INJURY		
SUSPECTED OF USING: Not Applicable			
CRIMINAL ACTIVITY: None/Unknown			
WEAPON/FORCED USED: Handgun			
BIAS AGAINST: No Bias			
AGGR. ASSAULT/HOMICIDE: Unknown Circumstances			
2 ROBBERY-1ST DEGREE		N	Felony
11-39-1/1D	11-39 1		
SUSPECTED OF USING: Not Applicable			
CRIMINAL ACTIVITY: None/Unknown			
WEAPON/FORCED USED: Handgun			

VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
FERREIRA, RICHARD 45 DOVER ST FALL RIVER MA	M	W	37		

DOB: [REDACTED]/1978

INJURIES: [REDACTED]

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Non Resident

TAKEN TO: Rhode Island Hospital

TAKEN BY: Rescue 2

TREATED DATE: 04/29/2016 @ 0545

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 2



Headquarters  
Incident Report

Page: 1  
11/29/2019

**Incident #: 16RIX1-763-OF**

Date/Time Reported: 04/29/2016 0630  
 Report Date/Time: 04/29/2016 1156  
 Occurred Between: 04/29/2016 0330-04/29/2016 1200  
 Status: Incident Open

Reporting Officer: Corporal SCOT BARUTI  
 Assisting Officer: Detective MARC ALBOUM  
 Approving Officer: Corporal SCOT BARUTI



Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

#	OFFENSE(S)	LOCATION TYPE:	Zone:	ATTEMPTED	TYPE
				N	Felony
1	FELONY ASSAULT/ DANG. WEAPON OR SUBSTANCE	Residence/Home/Apt./Condo 45 DOVER STREET 45 DOVER ST FALL RIVER MA	Lincoln Area		
	11-5-2	11-5 2	OCCURRED: 04/29/2016 0400		

#	VICTIM(S)	DOB:	INJURIES:	ETHNICITY:	RESIDENT STATUS:	SEX	RACE	AGE	SSN	PHONE
						M	W	37		
1	FERREIRA, RICHARD									

DOB: [REDACTED]  
 INJURIES: Other Major Injury  
 ETHNICITY: Not of Hispanic Origin  
 RESIDENT STATUS: Resident  
 VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	HARPER, GERRON A	PARTICIPANT	M	B	21		
2	SILVA, ISABELA	PARTICIPANT	F	W	39		

DOB: [REDACTED]  
 EMPLOYER: MASSHEALTH

Headquarters  
Incident Report

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11/29/2019

Incident #: 16RIX1-763-OF

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
3	FLINT, CHARLES [REDACTED]	OTHER	M	W	45		
	DOB: [REDACTED]						
4	JEFFERSON, CLIFTON T [REDACTED]	PARTICIPANT	M	W	23		
	DOB: [REDACTED]						
5	SANTIAGO, ABRAM [REDACTED]	WITNESS	M	W	27	[REDACTED]	
	DOB: [REDACTED]						
6	WATKINSON, MARK [REDACTED]	WITNESS	M	W	55	[REDACTED]	
	DOB: [REDACTED]						

#	VEHICLE (S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	VALUE
1	SUV	2005	MERZ	SU	GRY		MA 2NX159	
								DATE: 04/29/2016
	STATUS: Evidence (Not Nibrs Reportable)							
	Property #: 16RIX1-1321-PR							
	VIN: 4JGAB57E15A543741							
	TOWED TO: Headquarters							
	311 DANIELSON PKE							
	SCITUATE RI 02857							
	TOWED BY: Knox's Towing							
								TOWING CHARGES:
#	OTHER PROPERTIES				PROPERTY #		STATUS	
1	BLUE FRUIT OF LOOM MENS UNDERWEAR				16RIX1-1239-PR		Evidence (Not Nibrs Reportable)	
	QUANTITY: 1				VALUE:			
	SERIAL #: NOT AVAIL							
	DATE: 04/29/2016							
	OWNER: FERREIRA, RICHARD							
2	UNLIMITED PATIENCE KHAKI SHORTS SIZE XL				16RIX1-1240-PR		Evidence (Not Nibrs Reportable)	
	QUANTITY: 1				VALUE:			
	SERIAL #: NOT AVAIL							
	DATE: 04/29/2016							
	OWNER: FERREIRA, RICHARD							
3	TOUCH DNA SWAB HNDL 3RD FLR WEST STRWELL				16RIX1-1241-PR		Evidence (Not Nibrs Reportable)	
	QUANTITY: 1				VALUE:			
	SERIAL #: NOT AVAIL							
	DATE: 04/29/2016							

**Headquarters  
Incident Report**

**Incident #: 16RIX1-763-OF**

#	OTHER PROPERTIES	PROPERTY #	STATUS
4	TOUCH DNA SWAB 1ST FLR HNDL 1ST FL WTHAL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1242-PR VALUE:	Evidence (Not Nibrs Reportable)
5	TCH DNA SWAB 1ST FL EXT OUT WEST STRWLL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1243-PR VALUE:	Evidence (Not Nibrs Reportable)
6	TCH DNA SWB INT BAR 1ST FL OUT WEST STRW QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1244-PR VALUE:	Evidence (Not Nibrs Reportable)
7	TCH DNA SWB 3RD FL EAST STRWLL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1245-PR VALUE:	Evidence (Not Nibrs Reportable)
8	GSR KIT FROM GERRON HARPER 7/15/94 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1246-PR VALUE:	Evidence (Not Nibrs Reportable)
9	IPHONE CHARGER CORD QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1247-PR VALUE:	Evidence (Not Nibrs Reportable)
10	BLACK G-STAR RAW T-SHIRT QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1248-PR VALUE:	Evidence (Not Nibrs Reportable)
11	BLUE LEVIS JEANS QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1249-PR VALUE:	Evidence (Not Nibrs Reportable)
12	LEFT REPUBLICA SNEAKER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1250-PR VALUE:	Evidence (Not Nibrs Reportable)
13	RIGHT REPUBLICA SNEAKER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1251-PR VALUE:	Evidence (Not Nibrs Reportable)
14	CARTRIDGE CASING- HALLWAY P#1 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1252-PR VALUE:	Evidence (Not Nibrs Reportable)

Headquarters  
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Incident #: 16RIX1-763-OF

#	OTHER PROPERTIES	PROPERTY #	STATUS
15	SUSPECTED TOOTH- HALLWAY P#2 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1253-PR VALUE:	Evidence (Not Nibrs Reportable)
16	CARTRIDGE CASING - HALLWAY P#3 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1254-PR VALUE:	Evidence (Not Nibrs Reportable)
17	SUSPECTED TOOTH - HALLWAY P#4 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1255-PR VALUE:	Evidence (Not Nibrs Reportable)
18	RED ELASTIC - HALLWAY P#5 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1256-PR VALUE:	Evidence (Not Nibrs Reportable)
19	RED/BROWN STAIN - HALLWAY P#6 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1257-PR VALUE:	Evidence (Not Nibrs Reportable)
20	BED SHEETS - HALLWAY P#7 QUANTITY: 3 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1258-PR VALUE:	Evidence (Not Nibrs Reportable)
21	BLUE SHIRT IN DOOR - P#8 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1259-PR VALUE:	Evidence (Not Nibrs Reportable)
22	RED/BROWN STAIN-LEFT EXT DOOR JAMB- P#9 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1260-PR VALUE:	Evidence (Not Nibrs Reportable)
23	RED/BROWN STAIN EXT DOOR HANDLE- P#10 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1261-PR VALUE:	Evidence (Not Nibrs Reportable)
24	RED/BROWN STAIN EXT DOOR - P#11 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1262-PR VALUE:	Evidence (Not Nibrs Reportable)
25	RED/BROWN STAIN RGHTE EXT DOOR JAMB- P#12 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1263-PR VALUE:	Evidence (Not Nibrs Reportable)

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Incident #: 16RIX1-763-OF

#	OTHER PROPERTIES	PROPERTY #	STATUS
26	RED/BROWN STAIN INTER DOOR HANDLE P#13 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1264-PR VALUE:	Evidence (Not Nibrs Reportable)
27	RED/BROWN STAIN EAST WALL NEAR DOOR P#14 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1265-PR VALUE:	Evidence (Not Nibrs Reportable)
28	RED/BROWN STAIN CARPET NEAR DRWAY P#15 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1266-PR VALUE:	Evidence (Not Nibrs Reportable)
29	CELL PHONE CORDS W CHARGER P#16 QUANTITY: 3 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1267-PR VALUE:	Evidence (Not Nibrs Reportable)
30	SUSPECTED TEETH INTERIOR ROOM- P#17 QUANTITY: 4 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1268-PR VALUE:	Evidence (Not Nibrs Reportable)
31	BROWN PURSE -FLOOR OF ROOM- P#18 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1269-PR VALUE:	Evidence (Not Nibrs Reportable)
32	ROSE/WHITE I-PHONE W/ CASE P#19 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1270-PR VALUE:	Evidence (Not Nibrs Reportable)
33	MISC. ITEMS FROM FLOOR ROOM- P#21 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1271-PR VALUE: <i>Includes \$20.12</i>	Evidence (Not Nibrs Reportable)
34	I-PAD ON DESK P#22 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1272-PR VALUE:	Evidence (Not Nibrs Reportable)
35	SUSPECTED DRUGS/PACKAGING ON DESK P#23 QUANTITY: 4 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1273-PR VALUE:	Evidence (Not Nibrs Reportable)
36	BLACK PURSE ON DESK P#24 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1274-PR VALUE:	Evidence (Not Nibrs Reportable)

Headquarters  
Incident Report

Incident #: 16RIX1-763-OF

#	OTHER PROPERTIES	PROPERTY #	STATUS
37	BASEBALL HAT ON DESK P#25 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1275-PR VALUE:	Evidence (Not Nibrs Reportable)
38	SNEAKERS FROM BETWEEN BEDS P#26 QUANTITY: 2 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1276-PR VALUE:	Evidence (Not Nibrs Reportable)
39	WOMENS SANDLES ON FLOOR- P#27 QUANTITY: 2 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1277-PR VALUE:	Evidence (Not Nibrs Reportable)
40	BLACK JACKET W/ DESIGN ON CHAIR- P#28 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1278-PR VALUE:	Evidence (Not Nibrs Reportable)
41	SOCKS ON HEATER- P#29 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1279-PR VALUE:	Evidence (Not Nibrs Reportable)
42	GATORADE BOTTLE ENTRYWAY TABLE -P#30 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1280-PR VALUE:	Evidence (Not Nibrs Reportable)
43	GATORADE BOTTLE NGHTSTND BETWN BEDS-P#31 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1281-PR VALUE:	Evidence (Not Nibrs Reportable)
44	PIECE OF PLASTIC NEAR NORTH BED- P#32 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1282-PR VALUE:	Evidence (Not Nibrs Reportable)
45	SUSPECTED TOOTH CARPET INSIDE DRWY- P#33 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1283-PR VALUE:	Evidence (Not Nibrs Reportable)
46	ROSE/WHITE IPHONE P#20 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1284-PR VALUE:	Evidence (Not Nibrs Reportable)
47	BLACK COOLPAD - TOP CTR CONSOLE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1288-PR VALUE: \$100.00	Seized (Not Previously Stolen)

Headquarters  
Incident Report

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Incident #: 16RIX1-763-OF

#	OTHER PROPERTIES	PROPERTY #	STATUS
48	GLD/WHT IPHONE 6S+ BLK CASE FROM VEHICLE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1289-PR VALUE: \$500.00	Seized (Not Previously Stolen)
49	BLACK HUAWEI CELLPHONE REAR OF MERCEDES QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1290-PR VALUE:	Evidence (Not Nibrs Reportable)
50	VARIOUS BAGS FROM CASH SEIZURE - GLV BOX QUANTITY: 3 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1291-PR VALUE:	Evidence (Not Nibrs Reportable)
51	ASSORTED US CURRENCY - GLOVE BOX QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016 OWNER: FERREIRA, RICHARD	16RIX1-1292-PR VALUE: \$23,040.00	Seized (Not Previously Stolen)
52	BLK MOTOROLA CELL/CASE - LNDRY BAG CAR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1293-PR VALUE:	Evidence (Not Nibrs Reportable)
53	BLK LG CELL - CLEAR BAG IN TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1294-PR VALUE:	Evidence (Not Nibrs Reportable)
54	BLK LG CELL NO BACKING - CLEAR BAG TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1295-PR VALUE:	Evidence (Not Nibrs Reportable)
55	BLK COOLPAD CRCK SCREEN - CLEAR BAG TRNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1296-PR VALUE:	Evidence (Not Nibrs Reportable)
56	WHT/SLV IPHONE 6+ SLV CASE-CLR BAG TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1297-PR VALUE:	Evidence (Not Nibrs Reportable)
57	BLK IPAD GLD CASE-CLEAR BAG IN TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1298-PR VALUE:	Evidence (Not Nibrs Reportable)
58	SCRIP BTL-26 PINK PILLS- CTR CONSOLE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1299-PR VALUE:	Evidence (Not Nibrs Reportable)

Headquarters  
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11/29/2019

Incident #: 16RIX1-763-OF

#	OTHER PROPERTIES	PROPERTY #	STATUS
3	59 ASSORTED FREE STNDNG CASH WITHIN VEHICLE QUANTITY: 6 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1300-PR VALUE: \$25.00	Evidence (Not Nibrs Reportable)
60	TOUCH DNA STEERING WHEEL-MERCEDES QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1302-PR VALUE:	Evidence (Not Nibrs Reportable)
61	TOUCH DNA SHIFTER - MERCEDES QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1303-PR VALUE:	Evidence (Not Nibrs Reportable)
62	MOUNTAIN DEW BTL - FRONT PASS SEAT QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1304-PR VALUE: \$0.00	Seized (Not Previously Stolen)
63	RED BULL CAN - FRNT PASS CUP HOLDER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1305-PR VALUE:	Evidence (Not Nibrs Reportable)
4	64 COUNTERFEIT \$20 BILL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016 OWNER: SILVA, ISABELA	16RIX1-1306-PR VALUE: \$0.00	Seized (Not Previously Stolen)
65	ASSORTED US CURRENCY-GUESS PURSE TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1307-PR VALUE: \$2,210.00	Evidence (Not Nibrs Reportable)
66	GUESS PURSE FROM TRUNK QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1308-PR VALUE:	Evidence (Not Nibrs Reportable)
67	MA LIC FROM GUESS PURSE - C FLINT QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1309-PR VALUE:	Evidence (Not Nibrs Reportable)
5	68 \$699.27 RECOVERED FR BLACK PURSE:1274-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1310-PR VALUE: \$699.27	Evidence (Not Nibrs Reportable)
69	TOUCH DNA SWAB-45 CAL CASING FR 1252-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1311-PR VALUE:	Evidence (Not Nibrs Reportable)

**Headquarters  
Incident Report**

**Incident #: 16RIX1-763-OF**

#	OTHER PROPERTIES	PROPERTY #	STATUS
70	TOUCH DNA SWAB-45 CALCASING FR 1254-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1312-PR VALUE:	Evidence (Not Nibrs Reportable)
71	SWAB OF RED BROWN STAIN FROM 1254-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/02/2016	16RIX1-1313-PR VALUE:	Evidence (Not Nibrs Reportable)
72	BLACK USB DRIVE- DOT FOOTAGE RTE 146/116 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1315-PR VALUE: \$1.00	Seized (Not Previously Stolen)
73	6 3 \$1 BILLS RECOVERED FROM 1269-PR QUANTITY: 3 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1316-PR VALUE: \$3.00	Evidence (Not Nibrs Reportable)
74	SET OF KEYS FROM 1271-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1317-PR VALUE:	Evidence (Not Nibrs Reportable)
75	MA LICENSE FROM 1269-PR- ISABELA SILVA QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1318-PR VALUE:	Evidence (Not Nibrs Reportable)
76	TOUCH DNA SWAB OF EXT DOOR HANDLE RM 318 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/29/2016	16RIX1-1322-PR VALUE:	Evidence (Not Nibrs Reportable)
77	CUTTING STAIN #1 1248-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1324-PR VALUE:	Evidence (Not Nibrs Reportable)
78	CUTTING STAIN #2 1248-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1325-PR VALUE:	Evidence (Not Nibrs Reportable)
79	CUTTING OF SHOELACE FROM 1250-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1326-PR VALUE:	Evidence (Not Nibrs Reportable)
80	SWAB OF SUSPECTED BLOOD FROM 1251-PR QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/03/2016	16RIX1-1327-PR VALUE:	Evidence (Not Nibrs Reportable)

**Headquarters  
Incident Report**

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11/29/2019

**Incident #: 16RIX1-763-OF**

#	OTHER PROPERTIES	PROPERTY #	STATUS
81	LATENT LIFT CARD EXT DOOR HAND RM 318 QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/05/2016	16RIX1-1336-PR VALUE:	Evidence (Not Nibrs Reportable)
82	LATENT PRINT LIFTS FROM MERCEDES QUANTITY: 4 SERIAL #: NOT AVAIL DATE: 05/05/2016	16RIX1-1337-PR VALUE:	Evidence (Not Nibrs Reportable)
83	SURVEILLANCE FOOTAGE COURTYARD HOTEL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/06/2016	16RIX1-1358-PR VALUE:	Evidence (Not Nibrs Reportable)
84	STANLEY SCREW DRIVER - FRONT DRIV SIDE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/09/2016	16RIX1-1363-PR VALUE: \$0.00	Seized (Not Previously Stolen)
85	ROSE COLORED I PHONE 6S PLUS, A1687 QUANTITY: 1 SERIAL #: FCC ID:BCG-E2944A DATE: 05/10/2016 OWNER: HARPER, GERRON ALAN	16RIX1-1393-PR VALUE: \$500.00	Seized (Not Previously Stolen)
86	ITEMS FROM HAMPTON INN WESTPORT QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 06/17/2016	16RIX1-1967-PR VALUE:	Held for Safe Keeping

E X H I B I T - B

Tel. 401.273.5600 • Fax. 401 454-5600

**John M. Cicilline**

The State Bank Building • 383 Atwells Avenue Providence, Rhode Island 02909

ATTORNEY & COUNSELLOR AT LAW

May 1, 2019

VIA US Mail

Richard Ferreira #W110543  
P.O. Box 8000  
Shirley, MA 01464

Dear Mr. Ferreira:

I hope this letter finds you well.

I am in receipt of your letter dated April 25, 2019.

First, the Newport District court warrant stems from case number 21-2017-02506. To resolve this, I will need you to provide me with proof of the date you entered into Massachusetts's custody and an anticipated release date. Upon receipt of this information I will file a motion to quash the warrant.

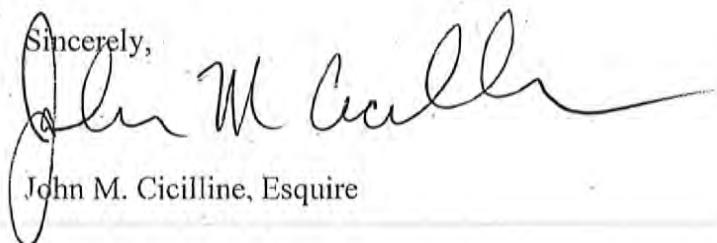
Secondly, I have inquired with the Rhode Island Attorney General's office as to where your seized money is without success. In order to file a Motion for Return of Evidence, I will need the documentation you have showing that The State Police are in possession of your seized \$67,000.

I will be in contact with your girlfriend Nicole should I have any updates between now and when the above information is provided to me.

In the meantime, please do not hesitate to write me if you have any additional questions or information that may be helpful with your two matters.

Thank you for your continued patience and business.

Sincerely,



John M. Cicilline, Esquire

E X H I B I T - C

5/21/2018

Man shot at Lincoln hotel, suspect at large | WJAR

57°

# 10Now Turn To 10<sup>(1)</sup>

NEWS (/)

WEATHER (WEATHER)

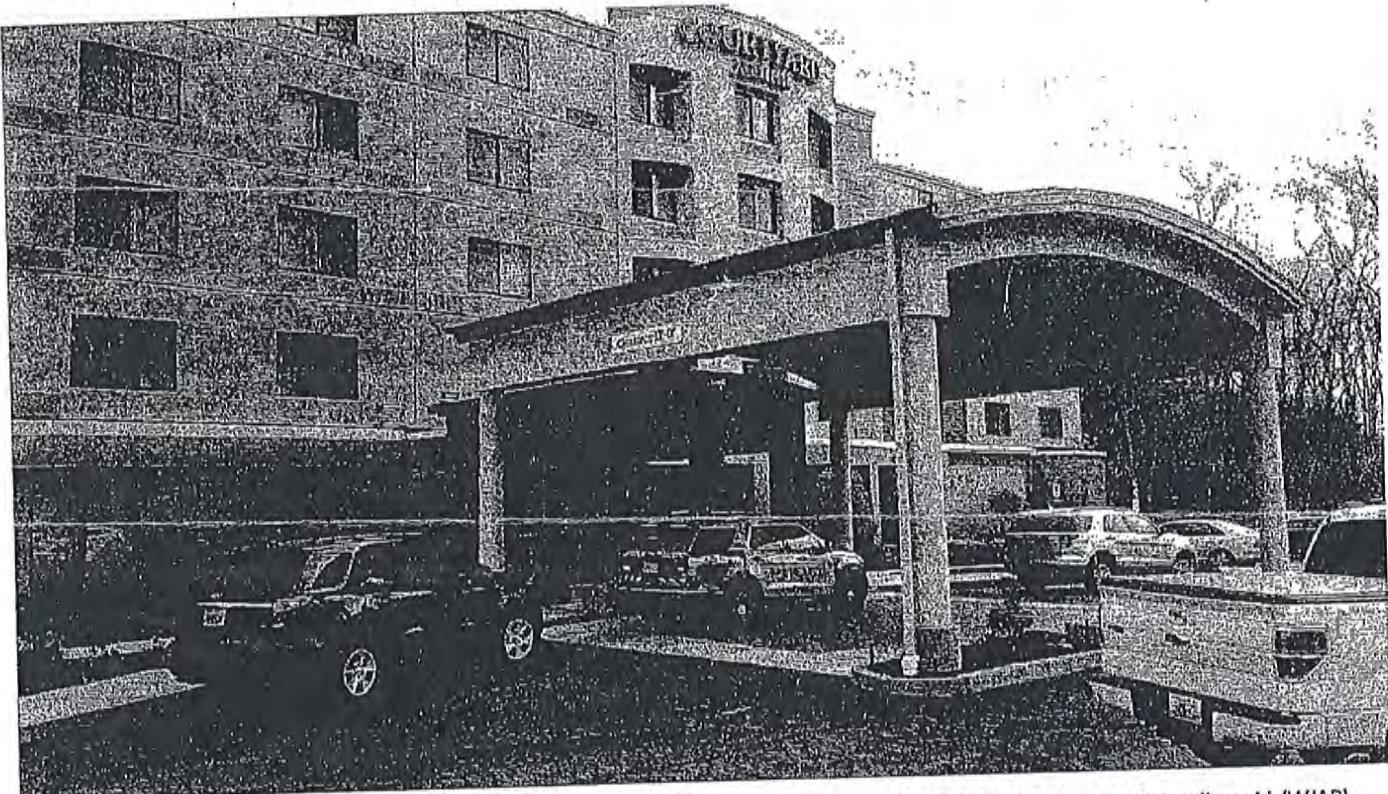
SEND TO 10

I-TEAM ([HTTP://TURNTO10.COM/I-TEAM](http://TURNTO10.COM/I-TEAM))  
(/weather)

ADVERTISEMENT

## Man shot at Lincoln hotel, suspect at large

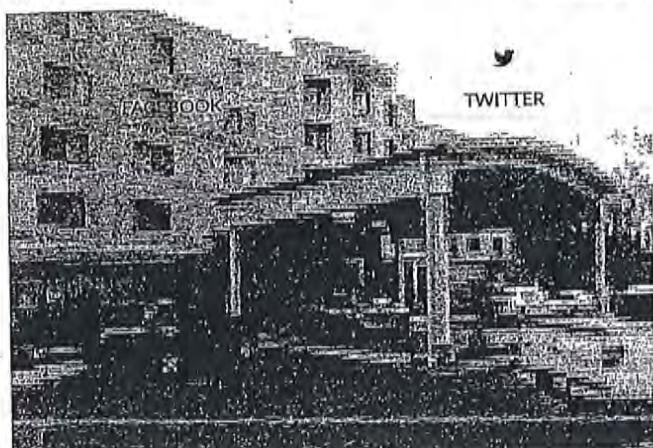
by TONY GUGLIOTTA, NBC 10 NEWS



A 38-year-old man was shot at the Courtyard Marriott hotel on George Washington Highway in Lincoln early Friday morning, police said. (WJAR)

5/21/2018

Man shot at Lincoln hotel, suspect at large | WJAR



(/news/local/gallery/courtyard-hotel-shooting-under-investigation-in-lincoln#photo-1)



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3 photos (</news/local/gallery/courtyard-hotel-shooting-under-investigation-in-lincoln>)

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LINCOLN, R.I. (WJAR) —

A 38-year-old man was shot at the Courtyard Marriott hotel on George Washington Highway in Lincoln early Friday morning, police said.

Rhode Island State Police said the man, who was also assaulted, was taken to Rhode Island Hospital for surgery after the 5 a.m. shooting.

Hotel guests who spoke to NBC 10 News were surprised to hear the news. They said they didn't know anything had happened at the hotel.

Tom Dempsey said he slept through the shooting.

"I woke up in the hotel and I looked outside and there were a lot of police cars and the news

5/21/2018

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media was here," said Dempsey, who is staying at the hotel. "I thought, 'well, there must be somebody famous here or something bad happened last night.' When I went down for breakfast, I got stopped in the stairwell by a state policeman that just said it was a secure area."

While the state police crime lab was still at the scene processing and collecting evidence more than 12 hours later, the case has been taken over by the Lincoln Police Department.

A vehicle, with Massachusetts plates, was towed from the scene earlier in the day. Police have not yet said what, if anything, it may have to do with the investigation.

As of 5 p.m., the hotel appeared to be operating as normal.

The hotel manager and police said it was an isolated incident and guests should not worry.

"This does not appear to be a random act," Capt. Philip Gould of the Lincoln Police Department said. "The suspect and victim apparently did know each other. There is no reason to believe there is any danger here on scene."

Lincoln police have an officer on detail inside the hotel as the investigation continues.

Despite the shooting, Dempsey said he feels safe.

"The police that are here -- both the local and state police -- seem to have everything under control," Dempsey said. "There's no indication that there's anything active going on."

But the suspect is still at large. Police said they believe the suspect fled the scene before

Man shot at Lincoln hotel, suspect at large | WJAR

5/21/2018

they arrived.

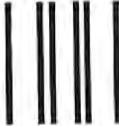
According to police, the victim is in "stable, but guarded condition."

E X H I B I T - D

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## 1. Article Addressed to:

Lincoln Town Hall  
Attn: Chief of Police  
Lincoln Police Dept.  
100 Old River Road  
Lincoln, Rhode Island 02865



9590 9402 2829 7069 7642 48

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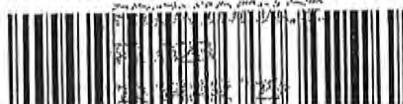
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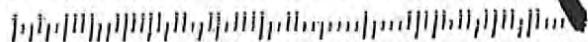
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Richard Ferreira  
P.O. Box-8000  
Shirley, MA. 01464

N2



March 6, 2019

JOINTLY ADDRESSED TO:

Lincoln Police Department (LPD)  
Attn: Chief of Police, LPD  
100 Old River Road  
Lincoln, Rhode Island 02865

(Service by Certified Return Receipt  
Requested Mail No. 7017 0660 0000  
9418 5107)

&

Lincoln Town Hall  
Attn: Mayor, Lincoln, Rhode Island  
100 Old River Road  
Lincoln, Rhode Island 02865

(Service by Certified Return Receipt  
Requested Mail No. 7017 0660 0000  
9418 5114)

RE: Demand In the Nature Of A Tort  
Claim, And A Civil Rights Claim  
For The Return Of Approximately  
\$67,000.00 In Gambling Profits  
Seized From Richard Ferreira On  
Or about April 29, 2016 At The  
Courtyard Marriott Hotel, 636  
Washington Highway, Lincoln,  
Rhode Island, After Richard  
Ferreira Was Found Shot In The  
Doorway Of his Rented Hotel  
Room 318.

Dear LPD Chief of Police, and Mayor:

On the above date, April 29, 2016, Mr. Ferreira was shot, and the LPD seized some \$67,000.00, from a Mercedes SUV, owned by a friend of Mr. Ferreira. The nexus of the search and seizure, to the shooting is questionable at best.

Nevertheless, this amount of money was been seized, and/or,

converted to the possession of the Town of Lincoln, Rhode Island, without due process of law.

Each time that Mr. Ferreira, contacted the Town of Lincoln, or LPD, he was notified that the money was being held pending a criminal investigation.

Very quickly, let us understand, that if the LPD has not, or cannot make a case for the actual forfeiture of this money in a period of 34 months, it is doubtful, that the LPD ever will. Further, if the LPD can't make a case after 34 months, that also would tend to reflect a lack of adequate police work.1/

Mr. Ferreira contends that the money is from gambling: a fact proven by the Twin River Casino cameras, which would show that Mr. Ferreira was present in that Casino, prior to checking into the hotel where he was shot: and private poker games on casino premises\*. Further, it is necessary to point out the obvious, such as no receipt issued by the LPD for the money, to Mr. Ferreira, plus:

(1). Mr. Ferreira was arrested, but the criminal charges against him, were dismissed, almost immediately following the shooting; he was a victim, and nothing more;

(2). the Mercedes SUV was returned to the owner, and not forfeited; why return the SUV, but not the money?;

(3). there has been no release to Mr. Ferreira, of any Report, or Warrant, which would allow, or did allow, and reflect, the seizure of the SUV and the money was legally done; obviously, if the seizure was legal, there should be a paper trail;

(4). there was no NOTICE of seizure, or forfeiture of the money in question; no forfeiture hearing as of this date;

(5). no criminal investigation is indefinite, and it must end at this time, in the absence of evidence to continue it;

(6). this seizure has failed to date, to comply with forfeiture laws of Rhode Island, or the United States.

If, the money is not returned to Mr. Ferreira, within 14 working days, the following course of action will be taken:

(A). A Civil Action will be filed, and allege in part, Civil Rights violations by the LPD/Town of Lincoln, against Mr. Ferreira;

(B). conversion of property, to wit, the money in question will be alleged;

(C). \$5,000,000.00 in damages will be sought from the LPD/Town of Lincoln, for denying Mr. Ferreira, his money.

This NOTICE will take effect on the date, that the Certified Service of this Letter is accepted by the LPD/Town of Lincoln

Thank you for your time in this matter.

\*Gambling in Connecticut as well.

I look forward to your reply in this matter. Obviously, if you had issued a receipt for the money that was seized, that would make its return alot easier. In the absence of the receipt, it makes it appear that the LPD simply converted the funds to the use of the LPD, and Town of Lincoln, Rhode Island. Which, I hope is not the case. Thank you for your time in this matter.

Respectfully submitted,



Richard Ferreira  
P.O. Box-8000  
Shirley, Massachusetts 01464

cc: Chief, LPD  
Mayor, Town of Lincoln, R.I.  
file

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1/Please review the attached newsclipping. This is a NBC 10 NEWS Report. The two facts in this Report that are relevant and interesting is: (A). reference to a vehicle with Massachusetts license plates being towed from the scene of the hotel by LPD. Since the crime of shooting Mr. Ferreira occurred inside Room 318, and at his doorway, within the Hotel, what probable cause existed to tow the vehicle from the Hotel? Was there a Warrant to seize the Vehicle? So far, LPD has not produced a Warrant, and since the \$67,000.oo was in the vehicle, a logical inference may be drawn, that the vehicle was towed for no other reason, than to illegally seize - hold the money; (2). LPD Capt. Philip Gould was quoted as stating: "The suspect and the victim apparently did know each other. There is no reason to believe there is any danger here on scéne." If, Mr. Ferreira, did allegedly know the man who shot him, and that information was known to the LPD as early as the hours immediately folling the shooting, why is it that after 34 months - the LPD have not arrested, and charged this gunman with attempted murder? Mr. Ferreira did not know who shot him. But, in delaying the arrest of the gunman, the LPD continue to claim an ongoing investigation is preventing the return of the money. It is interesting that they have had information for 34 months as to this identity, but failed to arrest anyone.

E X H I B I T - E



April 3, 2019

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[www.ritrust.com](http://www.ritrust.com)

Richard Ferreira  
PO Box 8000  
Shirley, MA 01464

RE: Claim No.: 111799-PP-01  
Date of Loss: 4/29/2016  
Insured Member: Town of Lincoln

Dear Mr. Ferreira:

I have reviewed your demand letter sent to the Town of Lincoln and the Lincoln Police Department. I also obtained and reviewed the police reports from Lincoln Police Department regarding the incident in question.

Based on my investigation, the involvement of the Lincoln Police Department was the initial arrival to the hotel for a shooting, to secure the scene, and interview witnesses. It appears that once the Rhode Island State Police arrived, they took over the investigation.

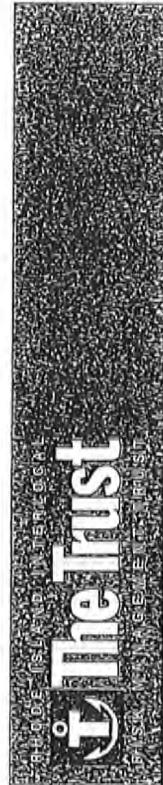
The Lincoln Police Department never had possession of the Mercedes, therefore never in possession of the money in question.

At this time, I have no alternative but to deny your claim for damages. Please contact me if you would like to discuss this matter further.

Sincerely,

*M. Baldinelli*  
Melissa Baldinelli  
Claims Representative II Property/Liability  
Ext. 535  
[mbaldinelli@ritrust.com](mailto:mbaldinelli@ritrust.com)

PROVIDENCE  
RI 02915  
26 MAR '19  
PM 3:1



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Richard Ferreira  
PO Box 8000  
Shirley, MA 01464



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